

Sub-Chapter 2

State Vehicle Use

2.6.201 INTRODUCTION (1) The following rules define acceptable uses for state-owned or leased motor pool vehicles as provided in 2-17-424, MCA. State employees or authorized individuals may be subject to additional guidelines, policies, insurance coverage exclusions, or regulations for vehicle/equipment fleet operations, provided that they do not conflict with these rules.

(2) Drivers and passengers must use installed seat belts at all times. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

2.6.202 DEFINITIONS As used in this sub-chapter, the following definitions apply:

(1) "State" as defined in 2-9-101, MCA.

(2) "State employee" as defined in 2-9-101, MCA.

(3) "State vehicle" means a motor vehicle, semi-trailer, snowplow, or other vehicle designed for travel on public roads that is subject to motor vehicle registration, including any machinery or apparatus attached to the vehicle. The term includes the following:

(a) a "leased vehicle" obtained by the state through an open-ended lease or lease with an option to buy contract;

(b) a "loaned vehicle" provided to the state as a gratuity;

(c) an "owned vehicle" to which the state has title; and

(d) a "rented vehicle" rented by the state for a fee, typically for short-term use in Montana or for out-of-state travel. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

2.6.203 AUTHORIZED DRIVERS AND USES (1) Except as otherwise provided in this rule, the following individuals may operate a state vehicle if the driver possesses a valid driver's license appropriate to the type of vehicle to be driven, meets driver requirements set out in ARM 2.6.205, and the uses are as provided below:

(a) a state employee to conduct business on behalf of the state;

(b) a state employee in travel status to obtain food and lodging and to respond to medical emergency situations;

(c) a state employee required to conduct state business to obtain items needed while in travel status;

(d) a state employee may park a state vehicle overnight at the employee's residence if the employee must begin travel the next day or if the employee is subject to emergency response, on-call, or other off-shift duty associated with state employment;

(e) a state employee required to stay overnight at a location other than the employee's established work location during nonwork time to drive to a cultural, recreational, or leisure activity or to conduct other personal business, if the activity is within 30 miles of the employee's lodging;

(f) a non-state employee enrolled and registered as a student at a university of the state to conduct university business;

(g) a non-state employee to aid or assist a disabled state employee if the aide has completed the risk management and tort defense division's (RMTD) vehicle use agreement and obtained authorization from the agency head or designee prior to the use;

(h) a non-state employee to assist a state employee or other individual during a medical emergency for transportation and related purposes. Prior approval is not required;

(i) a non-state employee who is an independent contractor or an employee of a temporary employment agency contracting with the state with prior approval from the agency head when a state employee is not available to operate the vehicle. The contractor must complete the RMTD's vehicle use agreement. The agreement must be signed by the agency head and presented to the motor pool or affected state agency prior to the use; and

(j) a non-state employee accompanying a state employee on official state business where the state employee becomes ill, fatigued, or is otherwise rendered physically or mentally incapable of driving and/or a compelling state interest is served by allowing the non-state employee to drive. Prior approval is not required.

(2) Any exception to the authorized drivers and uses requires the prior written approval of the risk management and tort defense division. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

2.6.204 AUTHORIZED PASSENGERS AND USES (1) Except as otherwise provided in this rule, the following individuals may ride as passengers in a state vehicle:

(a) a state employee conducting business on behalf of the state; or

(b) a non-state employee who is:

- (i) an independent contractor conducting business on behalf of the state;
- (ii) an aide rendering assistance to a disabled state employee;
- (iii) a guest or client of the state, including a public employee, if conducting, participating in, or providing a benefit to the conduct of state business;
- (iv) rendering assistance during an emergency situation; or
- (v) a nursing infant if the parent is an authorized driver or passenger.

(2) Any exception to the authorized passengers and uses requires the prior written approval of the risk management and tort defense division. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

2.6.205 DRIVER REQUIREMENTS (1) Non-probationary employees required to drive as part of their job who have accumulated 12 or more conviction points according to the schedule specified in 61-11-203, MCA, over the most recent 36 months may not drive a state vehicle or personal vehicle for state business until having successfully completed a certified safe driver course approved by the RMTD and received authorization to drive from their agency head and RMTD. State employee drivers who have accumulated 15 or more conviction points according to the schedule specified in 61-11-203, MCA, may not drive a state vehicle or a personal vehicle for state business until the accumulated point total is less than 12 within the past 36 months.

(2) Non-probationary employees who have accumulated 18 or more points in the immediately preceding 36 months may not drive a state vehicle or a personal vehicle for state business until two years have passed during which they have not accumulated any conviction points according to the schedule specified in 61-11-203, MCA, have successfully completed a certified safe driver course approved by RMTD, and received authorization to drive from their agency head and RMTD.

(3) A state employee required to drive as part of the employee's job shall report any single driving infraction of five or more conviction points according to the schedule in 61-11-203, MCA, accumulated while driving a state vehicle or a personal vehicle for state business to the employee's supervisor within 10 days of conviction.

(4) A state employee required to drive as part of the employee's job shall report an accumulation of conviction points of 12 or more according to the schedule in 61-11-203, MCA, for the past 36 months immediately preceding the infraction, whether accumulated while driving a state vehicle, a personal vehicle for state business or accumulated while driving a motor vehicle for any purpose within 10 days of the accumulation of 12 or more points to the employee's supervisor.

(5) Authorized drivers are responsible for promptly paying all penalties following the court procedures established for contesting citations.

(6) The above requirements also apply to those individuals authorized to drive under the conditions listed in ARM 2.6.205.

(7) The requirements specified in this rule apply to conviction points received after October 12, 2001.

(8) An agency has the authority to restrict employees otherwise authorized as drivers from using state vehicles when it knows they are unsafe drivers from means other than the accumulation of conviction points. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

Rules 06 through 08 reserved

2.6.209 ALCOHOL AND DRUGS (1) No person under the influence of alcohol, illegal drugs, or improperly used prescription drugs may drive a vehicle for state business.

(2) No person may drive a vehicle for state business under the influence of any legally prescribed drug if that drug affects the person's ability to safely operate the vehicle.

(3) No person may have an alcoholic beverage container in the passenger compartment of a state-owned, leased, or loaned vehicle. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

2.6.210 CELL PHONE USE (1) State employees shall drive in a careful and prudent manner so as not to unduly or unreasonably endanger the life, limb, property, or rights of a person entitled to use a street or highway.

(2) State employees are strongly encouraged not to use handheld cell phones or other handheld electronic communications devices or objects while operating state vehicles or personal vehicles on state business. Exceptions to this rule are law enforcement and emergency response personnel. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

Rules 11 through 13 reserved

2.6.214 DISCIPLINE (1) Failure to comply with the requirements of these rules may result in disciplinary action, including suspension or termination. Any supervisor who becomes aware of any violation of these rules by an employee they supervise shall take appropriate disciplinary action, according to the state discipline policy set forth in ARM 2.21.6501 through 2.21.6509, 2.21.6515, and 2.21.6522. (History: 2-17-424, MCA; IMP, 2-9-201, 2-9-305, and 2-17-424, MCA; NEW, 2001 MAR p. 2013, Eff. 10/12/01.)

VEHICLE USE AGREEMENT
(to be completed by persons operating state vehicles,
who are not employees of the State of Montana)

I, _____, understand and agree that my use of the _____
(name of the entity's vehicle), vehicle license # _____, shall be exclusively for the fulfillment of
the _____ (name of entity) business for which I have been engaged.

I understand that I am not to use the vehicle for any other reason whatsoever (human life threatening medical emergency excepted). I agree to operate this vehicle in a safe, prudent, and lawful manner at all times and to comply with the state's motor vehicle laws and policies.

Seat belts will be worn at all times by all vehicle occupants when the vehicle is in motion. I will not permit any other person to operate the vehicle, unless such use is made part of this agreement. I will not carry or consume alcoholic beverages in a state vehicle or drive a state vehicle out of the State of Montana without prior approval of a state agency.

I truthfully state that I have a valid, non-conditional driver's license and that my license is not currently under suspension. I do truthfully state that I have been convicted in the past 36 months of the following motor vehicle violations (please list):

Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____

Others: Please attach additional pages if necessary.

The agency shall review the convictions above in accordance with §61-11-203, MCA. If total conviction points received (after 10/12/01) within the past 36 months exceed 15 points the driver may not operate a state vehicle.

I understand that any material false statement or use of the vehicle not permitted by this agreement will require me to assume the full legal and financial consequences of my actions.

Important Notice to Driver: Do not sign below unless you have read and understood this document.

Driver Signature

Date

Office Use Only

By signing below, the agency head authorizes a non-state employee to drive a state vehicle. In the event of an crash, all physical damage to the vehicle is the responsibility of the agency (unless the agency has required the independent contractor to carry coverage on the state vehicle through a non-owned endorsement or the state vehicle is covered for comprehensive/collision damage through prior agreement with the Risk Management & Tort Defense Division.

(Signature of Agency Head or Authorized Designee)

(Phone Number)

(Title)

(Date)

Please bring this form with you to the Motor Pool or provide to the agency whose vehicle you are driving **PRIOR** to the use of the vehicle.

VEHICLE USE AGREEMENT SAMPLE

(We recommend that each agency assure that its employees read and understand the Vehicle Use Rule. One way to do this is to have each employee sign the attached vehicle use agreement. Copy to be kept in the employee's personnel file. Agencies may develop their own forms or processes.

This is intended to provide an example)

I, _____, understand and agree that my use of the _____
(name of the entity's vehicle), vehicle license # _____, shall be exclusively for the fulfillment of
the _____ (name of entity) business for which I have been engaged.

I also understand that I am not to use the vehicle for any other reason whatsoever (human life threatening medical emergency excepted). I agree to operate this vehicle in a safe, prudent, and lawful manner at all times and to comply with the state's motor vehicle laws and policies.

I will wear seat belts at all times and assure that all vehicle occupants do the same when the vehicle is in motion. I will not permit any other person to operate the vehicle, unless such use is made part of this agreement. I will not carry or consume alcoholic beverages in a state vehicle or drive a state vehicle out of the State of Montana without prior approval of a state agency.

I truthfully state that I have a valid, non-conditional driver's license and that my license is not currently under suspension. I do truthfully state that I have been convicted in the past 36 months of the following motor vehicle violations (please list):

Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____
Type of Conviction _____	Date: _____

Others: Please attach additional page and explain or provide a copy of your driver's record to your supervisor.

I understand that, in accordance with §61-11-203, MCA, if my total conviction points received (after 10/12/01) within the past 36 months exceed 12 points, or in excess of 5 points for a single infraction, I will report the infraction to supervisor. If my conviction points exceed 15, I understand that I may not be allowed to operate a state vehicle.

I understand that any material false statement or use of the vehicle not permitted by this agreement will require me to assume the full legal and financial consequences of my actions.

Important Notice to Driver: Do not sign below unless you have read and understood this document.

Driver Signature

Date